

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ESTATE OF SEAN PATRICK
O'BRIEN,

Plaintiff,

vs.

CITY OF LIVINGSTON, a political
subdivision of the State of Montana,

Defendant.

CV 18-106-BLG-SPW-TJC

ORDER

Plaintiff has filed a motion for leave to bring the following items into the courtroom: (1) an expended taser cartridge, along with the attached twenty-one foot wires; and (2) a large TV monitor. (Doc. 189.) Plaintiff indicates Defendant opposes the request to bring in the expended taser cartridge and wires, but not the TV monitor.

Good cause appearing, **IT IS HEREBY ORDERED** that Plaintiffs' motion is **GRANTED in part**. Plaintiff may bring both the expended taser cartridge and wires¹ and a TV monitor into the James F. Battin Federal Courthouse on August 16, 2021 and each day thereafter for the duration of the trial.

The Court, however, **RESERVES** on ruling whether the expended taser

¹ There shall be no handle, gun or other firing mechanism attached to the cartridge. Further, the cartridge and wires must be incapable of holding any electrical charge or ability to be deployed or used in any manner.

cartridge and wires may be shown to the jury. Neither Plaintiff's counsel, nor Plaintiff's expert witness Ernest Burwell shall make the expended taser cartridge or wires visible to the jury without first obtaining permission from the Court.

The Clerk of Court is directed to notify the Court Security Officers of this Order.

DATED this 12th day of August, 2021.



TIMOTHY J. CAVAN
United States Magistrate Judge